

Attorneys for Plaintiff  
**DICKSON ADETUYI**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

DICKSON ADETUYI,  
Plaintiff,

V.

CITY AND COUNTY OF SAN FRANCISCO,  
Defendant.

**Case No.:**

## COMPLAINT FOR EQUITABLE RELIEF AND DAMAGES

## DEMAND FOR JURY TRIAL

Comes now Plaintiff, **DICKSON ADETUYI**, and alleges:

## JURISDICTION

1. The Court has jurisdiction of Plaintiff's Title VII claims for race discrimination and retaliation (42 USC §2000e). 28 USC §1331. The Court has supplemental jurisdiction has supplemental jurisdiction of related state claims. 28 USC §1367.

## VENUE

2. Plaintiff was employed by Defendant in San Francisco, California. 28 USC §1391(b).

//

//

**CHARGING ALLEGATIONS**

3. Plaintiff has been employed by Defendant CITY AND COUNTY OF SAN FRANCISCO since November, 1995, as a 2908 Eligibility Worker and Financial Counselor.

4. Because of racial discrimination practiced against him, Plaintiff filed suit in 2007. (Superior Court, San Francisco, Case No. CGC-07-461476)

5. Since June, 2011, Plaintiff placed at the top of an eligibility list for promotion to Supervisor.

6. Defendant, through Diane Guevara, Director, refused to interview Plaintiff for promotion because of his race and/or because he had sued Defendant.

7. Five non-African American candidates were promoted to the positions in spite of the fact that Plaintiff had superior qualifications and ranked higher than two. The five are Raul Alarcon, Barbara Khuu, Mario Moreno, and Susanna Lopez.

8. In August, 2012, Ilma Bates, Hispanic, was given the position of Acting Supervisor. Ms. Bates was not on the eligibility list. Ms. Bates testified in favor of Defendant in the 2007 case. Plaintiff had sought appointment to the position and was at the top of the eligibility list. Ms. Guevara made the appointment and refused to select Plaintiff because of his race and/or in retaliation for suing the Defendant for discrimination.

9. Plaintiff has timely exhausted his administrative remedies.

10. As a direct result of Defendant's said conduct, Plaintiff has suffered loss of earnings and will continue to suffer such losses in future, all to his damage in a sum within the jurisdiction of this Court.

11. As a further direct result of Defendant's said conduct, Plaintiff has suffered and will continue to suffer severe emotional distress to his general damage in an amount within the jurisdiction of this Court.

**COUNT ONE**  
**(Race Discrimination: Title VII)**

12. Defendant's said acts and omissions violated Title VII, 42 USC §2000e.

//

**COUNT TWO**  
**(Retaliation: Title VII)**

13. Defendant's said acts and omissions violated Title VII.

**COUNT THREE**  
**(Race Discrimination: FEHA)**

14. Defendant's said acts and omissions violated FEHA, Cal. Gov. Code §12940(a).

**COUNT FOUR**  
**(Retaliation: FEHA)**

15. Defendant's said acts and omissions violated FEHA, Cal. Gov. Code §12940(h).

**COUNT FIVE**  
**(Failure to Prevent)**

16. Defendant was on notice, because of Plaintiff's complaints and the prior lawsuit, that Plaintiff was a victim of discrimination.

17. Defendant failed to take all reasonable steps to prevent discrimination and retaliation from occurring, in violation of Cal. Gov't Code §12940(k).

WHEREFORE, Plaintiff prays for:

1. Injunctive relief requiring Defendant to refrain from further discriminatory acts and remedying past discrimination;
2. Actual damages in a sum to be ascertained at trial;
3. General damages in an amount within the jurisdiction of this Court;
4. Costs of suit, prejudgment interest, reasonable attorney's fees; and
5. Such further relief as the Court deems just and proper.

Respectfully submitted,

Dated: 09/12/13

LAW OFFICE OF RICHARD M. ROGERS

By: /s/ Richard M. Rogers  
RICHARD M. ROGERS  
Attorneys for Plaintiff

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial by jury.

Respectfully submitted,

Dated: 09/12/13

LAW OFFICE OF RICHARD M. ROGERS

By: /s/ Richard M. Rogers  
RICHARD M. ROGERS  
Attorneys for Plaintiff